REMARKS

Applicant submits a Petition and Fee for a Three-Month Extension of Time, along with a Request for Continued Examination.

Claims 1-17 and 22-24 are all the claims presently pending in the application. Claims 4-5, 7-8, 12-13 and 15-17 have been withdrawn. Claims 1 and 10 have been amended to more particularly define the invention.

It is noted that the claim amendments are made only for more particularly pointing out the invention, and not for distinguishing the invention over the prior art, narrowing the claims or for any statutory requirements of patentability. Further, Applicant specifically states that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Claims 1-2, 6, 10 and 14 and 22 stand rejected under 35 U.S.C. § 102(b) as being allegedly unpatentable over Kojima et al. (US Patent 5,638,136).

Claim 3 stands rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Kojima in view of Bertolussi (US Patent 6,292,575).

Claims 9 and 11 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Kojima in view of Yang et al. (US Patent 6,580,810).

Claims 23-24 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Kojima in view of Sorimachi (US Patent 4,916,302).

These rejections are respectfully traversed in view of the following discussion.

I. THE CLAIMED INVENTION

An exemplary aspect of the claimed invention (e.g., as recited in claim 1) is directed to a method for detecting whether an image of a characteristic portion exists in an image to be processed. The method includes sequentially cutting images of a required size from the image to be processed and comparing the cut images with template image data corresponding to the image of the characteristic portion.

Importantly, the method also includes limiting upper and lower limitations of a size range of the image of the characteristic portion with reference to a size of the image to be processed, based on information about a distance between a subject and a location of imaging

the subject, obtained when the image to be processed has been photographed, thereby limiting the size of the cut images to be compared with the template image data (Application at Figure 2; page 36, lines 19-24). This may help to reduce a number of times that a comparison is performed, to speed up processing and increase precision.

II.   THE ALLEGED PRIOR ART REFERENCES

A.   Kojima

The Examiner alleges that Kojima anticipates the invention of claims 1-2, 6, 10 and 14. Applicant submits, however, that there are features of the claimed invention that are not taught or suggested by Kojima.

Kojima discloses a method of flesh-tone area detection which is intended to selectively detect a flesh-tone area using simple circuitry (Kojima at Abstract; col. 5, lines 62-64).

However, Applicant submits that Kojima does not teach or suggest *"limiting* upper and lower limitations of *a size range of the image of the characteristic portion with reference to a size of the image to be processed, based on information about a distance between a subject and a location of imaging the subject, obtained when the image to be processed has been photographed, thereby limiting the size of the cut images to be compared with the template image data"*,
as recited, for example, in claim 1(Application at Figure 2; page 36, lines 19-24). As noted above, this may help to reduce a number of times that a comparison is performed, to speed up processing and increase precision.

Clearly, this feature is not taught or suggested by Kojima.

Therefore, Applicant submits that there are features of the claimed invention that are not taught or suggested by Kojima. Therefore, the Examiner is respectfully requested to withdraw this rejection.

B.   Bertolussi, Yang and Sorimachi

The Examiner alleges that Kojima would have been combined with Bertolussi to form the invention of claim 3, with Yang to form the invention of claims 9 and 11, and with Sorimachi to form the invention of claims 23-24. Applicant submits, however, that these

references would not have been combined and even if combined, the combination would not teach or suggest each and every feature of the claimed invention.

Bertolussi discloses a facial recognition and verification method which is intended to compare an image with a stored image and determine if a match exists in real time. The method employs a motion detection stage, blob stage and a color matching stage at the input to localize a region of interest in an image (Bertolussi at col. 1, line 66-col. 2, line 10).

Yang discloses a method of images processing in three dimensional head motion tracking which includes tracking three facial feature points corresponding to consecutive video frames (Yang at Abstract).

Sorimachi discloses a distance measuring apparatus and a method in which two dimensionally arranged light-receiving elements are used as illumination distribution measuring means (Sorimachi at Abstract).

However, Applicant respectfully submits that these alleged references are <u>unrelated</u>. Indeed, no person of ordinary skill in the art would have considered combining these disparate references,_absent impermissible hindsight.

In fact, Applicant submits that <u>the references provide no motivation or suggestion</u> to urge the combination as alleged by the Examiner. Indeed, these references clearly do not teach or suggest their combination. Therefore, Applicant respectfully submits that one of ordinary skill in the art would not have been so motivated to combine the references as alleged by the Examiner. Therefore, the Examiner has <u>failed to make a prima facie case of obviousness</u>.

Moreover, neither Kojima, nor Bertolussi, nor Yang, nor Sorimachi, nor any alleged combination teaches or suggests *"limiting* <u>upper and lower limitations of</u> *a size range of the image of the characteristic portion with reference to a size of the image to be processed"*, as recited, for example, in claim 1 (Application at Figure 2; page 36, lines 19-24). As noted above, this may help to reduce a number of times that a comparison is performed, to speed up processing and increase precision.

Clearly, this feature is not taught or suggested by the cited references.

Indeed, with respect to Bertolussi, the Examiner again attempts to rely on Figure 5 and col. 9, lines 33-50 to support his position. The Examiner's assertions are completely unreasonable.

Further, with respect to Yang, the Examiner attempts to rely on Figures 7a-7b to support his position. The Examiner is incorrect.

Indeed, these drawings simply illustrate a relation between two consecutive video frames (Yang at col. 3, lines 49-50). Yang simply teaches that the search window 75 is smaller than the correlation window 77 (Yang at col. 7, lines 1-14).

Thus, Yang is unrelated to the claimed invention and does not make up for the deficiencies of Kojima.

Further, with respect to Sorimachi, the Examiner attempts to rely on Figures 1A and 1B to support his position. However, these drawings simply teach a "stereo method" for measuring a distance (Sorimachi at col. 1, lines 41-61). That is, nowhere in this drawings or anywhere else, does Sorimachi teach or suggest limiting upper and lower limitations of a size range of the image of the characteristic portion with reference to a size of the image to be processed, based on information about a distance between a subject and a location of imaging the subject, obtained when the image to be processed has been photographed, thereby limiting the size of the cut images to be compared with the template image data, as in the claimed invention.

Therefore, Applicant submits that these references would not have been combined and even if combined, the combination would not teach or suggest each and every feature of the claimed invention. Therefore, Applicant respectfully request that the Examiner withdraw this rejection.

III.   FORMAL MATTERS AND CONCLUSION

In view of the foregoing, Applicant submits that claims 1-17 and 22-24, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.
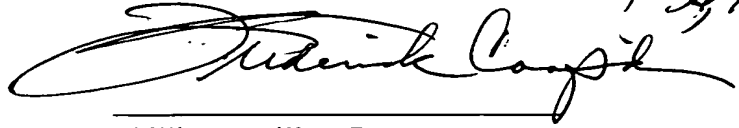
The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

Date: 07/02/08

Phillip E. Miller, Esq.
Registration No. 46,060

McGinn IP Law Group, PLLC
8321 Old Courthouse Road, Suite 200
Vienna, VA 22182-3817
(703) 761-4100
Customer No. 21254